

MINUTES

MONTANA SENATE 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON STATE ADMINISTRATION

Call to Order: By **CHAIRMAN DON HARGROVE**, on March 16, 2001 at 10:00 A.M., in Room 335 Capitol.

ROLL CALL

Members Present:

Sen. Don Hargrove, Chairman (R)
Sen. John C. Bohlinger, Vice Chairman (R)
Sen. Edward Butcher (R)
Sen. Pete Ekegren (R)
Sen. Jim Elliott (D)
Sen. Eve Franklin (D)
Sen. Ken Toole (D)

Members Excused: Sen. Fred Thomas (R)

Members Absent: None.

Staff Present: Lynette Brown, Committee Secretary
David Niss, Legislative Branch

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted:
Executive Action: HB 612, HB 63

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EXECUTIVE ACTION ON HB 612

David Niss distributed amendment HB061203.adn **EXHIBIT**(sts60a01).

Motion/Vote: SEN. ELLIOTT moved that **AMENDMENT HB061203.ADN BE ADOPTED**. Motion carried unanimously.

David Niss distributed amendment HB061201.adn **EXHIBIT**(sts60a02).

SEN. KEN TOOLE told the committee this amendment addressed the concern about addresses, changing the address requirement from only residential address to include post office box or telephone number.

Motion/Vote: **SEN. TOOLE** moved that **AMENDMENT HB061201.ADN BE ADOPTED. Motion carried unanimously.**

SEN. ED BUTCHER explained **HB061202.adn EXHIBIT(sts60a03)** to the committee. **SEN. BUTCHER** stated this amendment would clarify the voter would not automatically be disqualified if the address was different from the voter registration card.

David Niss added this amendment tracked the Attorney General's opinion.

SEN. JIM ELLIOTT asked **Elaine Gravely** how the Clerks and Recorders would investigate incorrect information given. She responded that when a person voted, the person registering the voter would ask the voter if the information on the card was correct. The voter would be allowed to vote, but would be given a new card to fill out with the correct information. **Ms. Gravely** said the new card would then go back to the election administrator of that county to update the file. According to this amendment, if a difference of information was noticed, the administrator would send the voter a card acknowledging the difference and requesting the voter to sign and return the card.

SEN. ELLIOTT asked **Elaine Gravely** if this would be relatively easy to do. **Ms. Gravely** responded it would not be difficult, but could be time consuming and may not be necessary because if the address was different, the election administrator would automatically send out a card requesting an update of information.

SEN. BUTCHER told **Elaine Gravely** that the Attorney General's opinions were very important, but were not in statute. He said this amendment would put the Attorney General's opinion on this matter in statute making this a requirement to follow.

SEN. BUTCHER asked **Janice Doggett, Chief Legal Council for the Secretary of State's Office**, told the committee this would create some problems. She stated the Attorney General's opinions did have the force and effect of law with most of the Clerks and Recorders having access to the Montana Code Annotated. **Janice Doggett** explained the Attorney General's opinion on this matter referred to an effect, whereas, this amendment would place an affirmative duty on administrators. She was concerned about the questions of (1) what would happen if the administrator didn't do

this and (2) what would happen if the administrator could not prove they had done this.

SEN. ELLIOTT asked **Janice Doggett** if the person giving the address or the person getting the address had the responsibility to ensure a correct address. **Ms. Doggett** replied currently the voter had the responsibility. However, if an investigation was required, that would leave an opened ended requirement without guidelines. She added it was the responsibility of all parties to try to ensure the document was accurate.

SEN. ELLIOTT asked **Janice Doggett** if she would want to talk to the Secretary of State before the committee took executive action on this amendment. She responded that would like to do that.

SEN. DON HARGROVE asked **Janice Doggett** if she could report back to the committee what the fiscal impact would be if this bill passed and how much work load increase there would be.

SEN. TOOLE asked **Janice Doggett** if a person moved out of their district, would that person be qualified to vote in their previous district. She answered that, no, the voter may not be qualified to sign a petition in that area because the address had changed which may have placed them in a different district.

SEN. TOOLE told the committee **SEN. BUTCHER's** amendment would do two things: (1) clarify that a voter could not be disqualified based on the residential address, and (2) required the Clerk and Recorder to take an affirmative step. He added that he would like to segregate the portion stating a voter could not be disqualified solely because of the address. **SEN. TOOLE** said that #1-7 could be voted on, however.

SEN. HARGROVE said there was a difference between the Attorney General's opinion and the inserted paragraph because of the word "only".

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David Niss explained that language was used because the difference in address could lead the election administrator to some further evidence which leads to further evidence. It would put unnecessary ambiguity into the statute to leave out the word "only".

SEN. HARGROVE asked **Janice Doggett** if she saw any difference with the Attorney General's Opinion and if she agreed with **David Niss**. **Ms. Doggett** said she agreed with **David Niss**. She said a problem could arise if it was clearly not the same handwriting.

Motion/Vote: SEN. TOOLE moved that **SEGREGATE 1,4,5,6,& 7 FROM AMENDMENT HB061202.ADN BE ADOPTED. Motion carried unanimously.**

Motion/Vote: SEN. BUTCHER moved that **AMENDMENT HB061202.ADN BE ADOPTED. Motion carried unanimously.**

SEN. BUTCHER asked who had the responsibility to update the information. He said if the voter had been notified that the information needed to be updated and the voter didn't respond, he felt the voter should be disqualified.

SEN. TOOLE told the committee the requirement of investigations would lead to unfunded mandates.

SEN. HARGROVE asked Elaine Gravely if the election administrator was already doing this. Ms. Gravely told the committee it was the responsibility of the voter to physically sign the change the address card and return it.

SEN. TOOLE asked Elaine Gravely if the address was different on the voter registration card, would that be enough to warrant the administrator to send out a card. Ms. Gravely replied it was not mandated by law, but her county was already practicing that policy.

SEN. HARGROVE told the committee it was already in statute #13-2-207, Subsection 1.

Motion/Vote: SEN. BUTCHER moved that **PARAGRAPH 8 OF AMENDMENT HB061202.ADN BE ADOPTED. Motion carried unanimously.**

Motion/Vote: SEN. BOHLINGER moved that **HB 612 BE CONCURRED IN AS AMENDED. Motion carried unanimously.**

EXECUTIVE ACTION ON HB 63

Motion/Vote: SEN. BOHLINGER moved that **AMENDMENT HB006301.ADN EXHIBIT(sts60a04) BE ADOPTED. Motion carried unanimously.**

Motion: SEN. TOOLE moved that **AMENDMENT HB006302.ASH EXHIBIT(sts60a05) BE ADOPTED.**

Discussion:

David Niss told the committee this amendment would coordinate this bill with SB 306.

Melanie Symons, legal counsel, stated this amendment was important because it was important for the two benefits to be the same. She said it would appear that people who would be affected by this immediately would not choose to go into the other plan.

Vote: Motion HB006302.ASH BE ADOPTED carried unanimously.

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Motion/Vote: SEN. TOOLE moved that HB 63 BE CONCURRED IN AS AMENDED. Motion carried unanimously.

EXECUTIVE ACTION ON HB 612

Motion: SEN. TOOLE moved that RECONSIDER HB 612 AS AMENDED AND TO RECONSIDER AMENDMENT HB061202.ADN, PARAGRAPHS 2, 3, & 8. BE ADOPTED.

Discussion:

SEN. TOOLE told the committee he was concerned about the verification language that dealt with registration and the regular election cycles. He added that the Secretary of State's office was concerned about what could be triggered by the word "investigation".

SEN. BUTCHER stated he was concerned about voter registration and the voting process.

SEN. BOHLINGER said he would like to visit with **Duane Winslow** about the additional work load this could require.

Vote: Motion that RECONSIDER HB 612 AS AMENDED AND TO RECONSIDER AMENDMENT HB061202.ADN, PARAGRAPHS 2, 3, & 8 BE ADOPTED carried unanimously.

ADJOURNMENT

Adjournment: 11:40 A.M.

SEN. DON HARGROVE, Chairman

LYNETTE BROWN, Secretary

DH/LB

EXHIBIT (sts60aad)